

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

June 5, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Gregory J. Oliver, County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor John Gray, pled the Pledge of Allegiance.

Oral Comm-
Election Day

Deborah Russell, County Clerk and Auditor-Controller, addressed the Board and announced that today is Election Day.

Oral Comm-UC
Cooperative Ext.

Rebecca Miller-Cripps addressed the Board and announced upcoming UC Cooperative Extension will co-host with Tuolumne Utilities District (TUD) a Save Money Save Water Faire and introduced a new staff member

Debbie Powell addressed the Board and announced the upcoming UC Cooperative Extension Gardening programs in Tuolumne County.

Oral Comm-
Senior Expo

Kathi Bramblett of Tuolumne County Commission on Aging announced the upcoming Senior Expo at the Mother Lode Fairgrounds.

Oral Comm-
Legisl-SB1221

Joe Duncan, Cathy Duncan and Jay Harte addressed the Board on SB1221 - hounding hunting responded to questions from the Board.

Oral Comm-
Father's Day

Jim Thomas, Airports Manager, announced the upcoming 2012 Father's Day Fly-In.

Non-Agenda
Property Sale on
Child Road.

Daniel Richardson, Deputy County Administrator\Craig Pedro, County Administrator, requested consideration of adding a non-agenda item to hear consideration of approving a sales contract with Lemke Homes, Inc. for the 16± acre County owned property off of Child Road for \$495,000.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to find that the matter arose subsequent to the posting of the agenda and is of sufficient urgency to be heard as item number 12A.

Consent Calendar

It was moved by Supervisor Hanvelt and seconded by Supervisor Gray, to approve the followings items on the Consent Calendar.

Douglas Oliver, Chief Building Official, responded to questions from the Board on item numbers 4-8 on the consent calendar.

Del Hodges, Treasurer-Tax Collector, addressed the Board.

Motion carried unanimously.

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| Minutes | 1. Minutes of the meeting held May 1, 2012. |
| Ag-Pierces Disease | 2. Designating the Tuolumne County Agriculture Commissioner as the local public entity to receive funds allocated by California Department of Food and Agriculture for purposes related to Pierce's Disease, its vector, and other designated pests and diseases. |
| Probation-Unantic. Revenue | 3. Recognizing unanticipated revenue in the amount of \$9,135 in the Probation's Donations account and increasing appropriations by that amount in the Probation's Travel and Training account. (4/5ths vote required) |
| Code Compl. Special Assess 18915 Golden Dove Ln. JTown | 4. Ordering a special assessment in the amount of \$23,315 against APN 59-550-16 to be collected in the same manner as ordinary real property taxes for recovery of penalties and administrative costs incurred by the County to abate substandard housing violations located at 18915 Golden Dove Lane in Jamestown, authorizing the Chair to sign. |
| Code Compl. Special Assess 18222 9 th Ave JTown | 5. Ordering a special assessment in the amount of \$24,088.17 against APN 03-140-27 to be collected in the same manner as ordinary real property taxes, for recovery of penalties and administrative costs incurred by the County to abate substandard housing violations located at 18222 Ninth Avenue in Jamestown, authorizing the Chair to sign. |
| Code Compl. Special Assess 10636 7 th St. JTown | 6. Ordering a special assessment in the amount of \$22,186.42 against APN 03-140-58 to be collected in the same manner as ordinary real property taxes for recovery of penalties and administrative costs incurred by the County to abate substandard housing violations located at 10636 Seventh Street in Jamestown, authorizing the Chair to sign. |
| Code Compl. Special Assess 19702 Serrano Rd, Sonora | 7. Ordering a special assessment in the amount of \$11,315 against APN 43-200-21 to be collected in the same manner as ordinary real property taxes for recovery of penalties and administrative costs incurred by the County to abate substandard housing violations located at 19702 Serrano Road in Sonora, authorizing the Chair to sign. |
| Code Compl. Special Assess 18213 9 th Ave. JTown | 8. Ordering a special assessment in the amount of \$19,622.17 against APN 03-140-56 to be collected in the same manner as ordinary real property taxes for recovery of penalties and administrative costs incurred by the County to abate substandard housing violations located at 18213 Ninth Avenue in Jamestown, authorizing the Chair to sign. |

DA/Victim Witness-Grant	9. Authorizing the District Attorney to apply for the California Emergency Management Agency's Victim/Witness grant.
TC Youth Comm Reappt/Resig	10. Approving the reappointment of Kristin McCluskey to the Tuolumne County Youth Commission for a term to expire September 30, 2014 and accepting the resignations of Luke Houghton, Jared Smith, Megan Holloway, April Robles, Camilla Richardson and Kendra Jamar, directing the Clerk of the Board of Supervisors to send letters of appreciation and post a Notice of Vacancies.
Ag Advisory- Reappt	11. Approve the reappointment of Nathan Rosasco and Ron Gianelli to the Agriculture Advisory Committee for terms to expire March 31, 2016 and May 31, 2016 respectively.
Carter Cemetery Reappt	<p>The Board considered approving appointment and/or reappointments to the Carter Cemetery District for terms to expire May 31, 2016. (2 vacancies)</p> <p>It was moved by Supervisor Royce, seconded by Supervisor Gray, and carried by unanimous vote, to approve the reappointment of Rich Jerome and Dorothy Tate to the Carter Cemetery District for terms to expire May 31, 2016.</p>
Chair- Announcement	The Chair announced that item number 16, consideration of approving an Airport Business Plan has been pulled off the agenda and will be heard at a later date.
Budget-Draft FY 2012/13 (Cont'd)	<p>Craig Pedro, County Administrator, gave a presentation on the status of the FY 2012-13 Draft Budget and consideration of direction to staff on changes to the general strategies being used to develop same and responded to questions from the Board.</p> <p>Michael Knowles, District Attorney, addressed the Board on behalf of the office of the District Attorney and responded to questions.</p> <p>James Mele, Sheriff/Coroner, addressed the Board on behalf of the Sheriff's Office and responded to questions from the Board.</p> <p>Mr. Pedro responded to questions from the Board on workers compensation charges.</p> <p>Vicki Helmar Agricultural Commissioner/Air Pollution Control Officer/Animal Control Director, addressed the Board on behalf of Animal Control and responded to questions from the Board.</p> <p>Jennifer Clarke, Animal Control Manager, addressed the Board on behalf of Animal Control.</p> <p>Ron Swanson addressed the Board on behalf of the Tuolumne County Victim Witness Program.</p>

The Board recessed at 11:10 a.m. and reconvened at 11:17 a.m.

LTR-Pinecrest
Lake Elevation-
Spring Gap

Tracie Riggs, Administrative Analyst and Pete Kampa, General Manager of Tuolumne Utilities District (TUD), requested consideration of approving correspondence supporting Tuolumne Utilities District (TUD)'s request for variance from State Water Control Board Pinecrest Lake elevation on Labor Day 2012; Spring Gap – Stanislaus Hydroelectric Project, FERC Project No. 2130, and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Bass, and carried by unanimous vote, to approve correspondence supporting Tuolumne Utilities District (TUD)'s request for variance from State Water Control Board Pinecrest Lake elevation on Labor Day 2012; Spring Gap – Stanislaus Hydroelectric Project, FERC Project No. 2130, with noted changes, authorizing the Chair to sign.

(Cont'd)
Budget-Draft
FY 2012/13
(Cont'd)

The Board continued consideration of direction to staff on changes to the general strategies being used to develop the Fiscal Year 2012/13 Budget and responded to questions from the Board.

Glen Bannister addressed the Board on behalf of the Victim Witness program and the importance of the Sheriff's Office.

Christine Steinhoffel addressed the Board on behalf of the importance of the Sheriff's Office.

Gail Johnson and Joel Johnson addressed the Board on behalf of the Tuolumne County Victim Witness Program.

Beverly Shane, Community Resources Agency Director, addressed the Board on behalf of the Senior Building Inspector position.

Mr. Pedro responded to questions from the Board.

Connie Williams addressed the Board on behalf of the Tuolumne County Victim Witness Program.

Ken Caetano, Assessor-Recorder, addressed the Board on behalf of the positions in the Assessor's office.

The Board recessed at 12:00 pm and reconvened at 1:30 p.m.

RZ/WA-Gardella

Public hearing was declared open to consider **GARDELLA**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ11-009) 1,552.3+ acres to AE-37:AP; and 2. Rescind the existing and execute seven (7) new Williamson Act Land Conservation Contracts, located at 8920 and 8931 Montezuma Road. It is a portion of Sections 28, 29, 32 and 33 of Township 1 North, Range 14 East; and

a portion of Sections 3 and 4 of Township 1 South, Range 14 East. APNs 58-230-18, -25, -26, -30, -50, -58, -59, -60, -76, -77, -78, -260-01, -02, -03, -270-02, -03, 64-081-57-65.

Ms. Shane presented the staff report.

No one wished to speak, the public hearing was declared closed.

Ms. Shane responded to questions from the Board.

It was moved by Supervisor Pland and seconded by Supervisor Gray to approve **1)** approval of Zone Change, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning district; **D)** The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines; **2)** rescinding the existing Williamson Act Land Conservation Contract and executing seven new contracts (WA10-001 thru WA10-007) under Resolution 106-04, based upon the following findings and with the stipulation that contract WA10-004 will not be recorded until the required irrigation infrastructure has been completed: **A)** The project is consistent with the Tuolumne County General Plan; **B)** The project is in accordance with Tuolumne County Resolution 106-04; **C)** The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land; **D)** The term of the new contract will restrict the adjusted boundaries of the parcels for at least the unexpired term of the former contract, and no less than 10 years; **E)** There will be no net decrease in the amount of restricted acreage following the adjustment proposed in Tentative Parcel Map T10-013; **F)** No more than 10% of the original contracted acreage will be removed as a result of the lot line adjustment and at least 90% of the new contract will be land which was restricted by the original contract; **G)** After the lot line adjustment, the land subject to the contracts will be large enough to sustain commercial agricultural uses; **H)** The long term agricultural productivity of the resulting parcels, or to other contracted parcels will not be compromised by the lot line adjustment; **I)** The lot line adjustment will not result in the removal of adjacent land from agricultural uses; **J)** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan; **K)** The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines; **3)** the Agricultural Management Plans, finding that: **A)** The Agricultural Management Plans are consistent with the Tuolumne County General Plan; **B)** The Agricultural Management Plans are in accordance with the Tuolumne County Ordinance Code; **C)** The Agricultural Management Plans are in accordance with Tuolumne County Resolution 106-04; **D)** The Agricultural Management Plans are in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land; **E)** Approval of the Agricultural Management Plans is categorically exempt from environmental review under the California

Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines and adopted the following ordinance.

Ordinance No. 3203

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Ms. Shane responded to questions from the Board.

Motion carried unanimously.

The Board continued consideration of direction to staff on changes to the general strategies being used to develop the Fiscal Year 2012/13 Budget and responded to questions from the Board.

Mr. Pedro responded to questions from the Board.

Adele Arnold, Chief Probation Officer, responded to questions from the Board.

Discussion ensued.

Board consensus to direct staff to complete preparation of the Fiscal Year 2012-13 recommended Budget as generally outlined in the County Administrator's June 3, 2012 memorandum with the following modifications: **1)** funding for employees facing layoff be continued through the final budget hearing; **2)** funding for Victim Witness Advocates and relief Animal Control staff be continued at current levels through the final budget hearing; **3)** funding to restore the trapper to full-time from the Fish & Wildlife Fund be incorporated; and **4)** the e-Trackit, website and video streaming software be removed but noted as an option for restoration during the final budget hearing. The County Administrator is also directed to prepare approximately \$1,000,000 in alternatives to cut from other areas of the General Fund Budget in order to restore funding for public safety departments. These alternatives are to be returned for Board consideration by early August. The Board further agreed that no area of the budget is off limits from potential cuts.

The Board recessed at 2:22 p.m. and reconvened at 2:25 p.m.

Darin Grossi, Executive Director of Tuolumne County Transportation Council (TCTC), and Larry Beil, Planner, gave a presentation on the Tuolumne County Blueprint Plan, and responded to questions from the Board.

Discussion ensued.

Ms. Shane responded to questions from the Board.

No action was required.

(Cont'd)
Budget-Draft
FY 2012/13
(Cont'd)

Presentation-
Blueprint Plan

Property Sale
Child Road

Mr. Richardson requested consideration of approving a Sales Contract with Lemke Homes, Inc. for the 16± acre County owned property off of Child Road for \$495,000 and responded to questions from the Board.

Gregory Oliver, County Counsel, responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve a Sales Contract with Lemke Homes, Inc. for the 16± acre County owned property off of Child Road for \$495,000, authorizing the County Administrator to sign all property sale documents.

Budget-Reduce
General Fund

Mr. Pedro requested consideration of approving reductions in anticipated proceeds from property sales in the Capital Fund by \$1,605,000, increasing transfers in from the General Fund by a like amount and supporting the General Fund transfer out by reductions in General Fund Contingencies and modifications of other General Fund appropriations and revenues as needed, and announcing that a 4/5 vote is required, and responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve reductions in anticipated proceeds from property sales in the Capital Fund by \$1,605,000, increasing transfers in from the General Fund by a like amount and supporting the General Fund transfer out by reductions in General Fund Contingencies and modifications of other General Fund appropriations and revenues as needed.

Ltr-Pinecrest
Camping

Ms. Riggs requested consideration of approving correspondence commenting on the Pinecrest Campground Improvements Scoping Package and responded to questions from the Board.

Mr. Pedro responded to questions from the Board.

It was moved by Supervisor _Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve correspondence commenting on the Pinecrest Campground Improvements Scoping Package, with noted changes, authorizing the Chair to sign.

Litigation-
Franco v. TC
Settlement Agree

Christopher Schmidt, Deputy County Counsel, requested consideration of approving a Settlement and General Release Agreement regarding the matter of Patrick Franco vs. County of TUolumne, et al., Tuolumne County Superior Court Case No. CV56059, and responded to questions from the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to approve a Settlement and General Release Agreement regarding the matter of Patrick Franco vs. County of TUolumne, et al., Tuolumne County Superior Court Case No. CV56059, a lawsuit alleging damages resulting from a vehicle collision involving a County maintained gate.

Agree- Solid
Waste-21st
CenturyEnv Mgmt

Ms. Shane requested consideration of approving an Agreement with 21st Century Environmental Management of California, LP for Household, Conditionally Exempt Small Quantity Generator (CESQG) and Loadcheck Hazardous Waste Collection and responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve an Agreement with 21st Century Environmental Management of California, LP for Household, CESQG and Loadcheck Hazardous Waste Collection, authorizing the Chair to sign.

Agree-Rincon
Consultants, Inc.

Adam Paszkowski, Community Resources Agency Senior Planner, requested consideration of approving an Agreement for Professional Services with Rincon Consultants, Inc. for the General Plan and Regional Transportation Plan Evaluation and Analysis and responded to questions from the Board.

Ms. Shane responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 3-2 vote with Supervisors Hanvelt and Royce dissenting, to approve an Agreement for Professional Services with Rincon Consultants, Inc. for the General Plan and Regional Transportation Plan Evaluation and Analysis in an amount not to exceed \$50,869, authorizing the Chair to sign.

CIP-Call Bids-
Dodge Ridge Rd-
Pinecrest Lake
Rd Overlay

Tanya Allen, Senior Civil Engineer, requested consideration of approving a Bid Book for Contract No. 1635, "Dodge Ridge Road-Pinecrest Lake Road Overlay," and issue a call for bids and responded to questions from the Board.

Barbara Farkas addressed the Board.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the Bid Book for Contract No. 1635, "Dodge Ridge Road-Pinecrest Lake Road Overlay," and issue a call for bids due on June 28, 2012, at 2:00 p.m. at the Fourth Floor of the ANF Building located at 48 W. Yaney, Sonora, CA 95370.

Reports-Pedro

Mr. Pedro reported that on June 4, 2012, he attended a Sonora City Council meeting and received a comparative picture for the Amgen support; and he attended the Pinecrest Reopening Fire District.

Reports-Gray

Supervisor Gray reported that on May 16, 2012, he attended the Amgen event; on May 21st, he attended a Area 12 Agency on Aging meeting; on May 23rd, he attended the Peace Officers Memorial; on May 24th, he attended the Museum Board of Governors meeting ; on May 25th, he attended a meeting with Forever Resorts representatives; on May 26th, he the attended an event at Moccasin Creek Fish Hatchery; last week he attended the California State Association of Counties (CAC) Legislative Conference; and on June 2nd, he attended Earth Day at Mountain Sage in Groveland.

Reports-Hanvelt	Supervisor Hanvelt reported that on May 15 th , he was Executive Chef at a church event; on May 15 th , he attended the Amgen; on May 17 th , he met with constituents, attended a Mother Lode Job Training meeting, Board of Supervisors Planning Committee (BOSPC) meeting and Chamber Mixer; on May 21 st he attended an Emergency Operation Plan exercise and a Central Sierra Child Support Services Agency meeting; on May 22 nd he met with constituents, met with the Sheriff and met with staff; on May 23 rd , he met with the Tuolumne County Visitors Bureau; on May 25 th he cooked for the drop in center and met with Mr. Pedro; on May 30 th -June 1 st , he attended the CAC Legislative Conference; on June 3 rd he attended a Governmental Affairs Council (GAC) meeting and met with Larry Cope, Director of the Tuolumne County Economic Development Authority (TCEDA).
Reports-Royce	Supervisor Royce reported that he attended the Planning Committee/Commission Task Force meeting; attended the CAC-Legislative Conference.
Reports-Pland	Supervisor Pland reported that he participated in marrying off his grand daughter on June 2, 2012.
TCYC Report	Supervisor Bass reported on the Tuolumne County Youth Commission 2011/12 year.
Closed Session	<p>The Board recessed at 3:47 p.m. to Closed Session - 1) Conference with Legal Counsel-Existing Litigation: (Authority: Government Code §54956.9(a)) A) <u>Lillian Knight v. Twain Harte-Long Barn Union School District, Black Oak Elementary School, Twain Harte Middle School, County of Tuolumne, Tuolumne Joint Powers Authority, Alliance of Schools for Cooperative Insurance Programs, and Does 1-100.</u> Tuolumne County Superior Court Case Number CV57457; B) <u>Addison J. Demoura, et al. V. Andrew J. Ford, County of Tuolumne, et al.,</u> United States District Court, Eastern District of California, Case No. 1:09-CV-01344; 2) Conference with Legal Counsel - Anticipated Litigation: (Authority: Government Code §54956.9(b)) - Two (2) Cases; 3) Conference with Labor Negotiators: Craig Pedro, County Administrator and Bill Morse, Human Resources/Risk Manager, Ann Fremd, Sr. Administrative Analyst, (Authority: Government Code §54957.6) - All Bargaining Units, reconvening at 4:13 p.m., the Chair announced that:</p> <p>It was moved by Supervisor Bass, seconded by Supervisor Pland, and carried by unanimous vote, to authorize the County Counsel to defend the County in the matter of <u>Lillian Knight v. Twain Harte-Long Barn Union School District, et al.,</u> Tuolumne County Superior Court Case Number CV57457, which seeks damages for personal injury and property damage suffered by plaintiff's slip and fall.</p>

The Chair adjourned the meeting at 4:14 p.m. to the next regular meeting scheduled for June 19, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

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I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By:

